

## **739 KAR 2:050. Volunteer fire department aid.**

RELATES TO: KRS Chapter 75, 95A.262, 273.401

STATUTORY AUTHORITY: KRS 95A.050(3), 95A.055(13)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.055(13) requires the Commission to promulgate administrative regulations to implement KRS 75.430 and KRS 95A.055. This administrative regulation establishes requirements for volunteer fire departments aid.

Section 1. Definition. "Fire apparatus" means a motorized vehicle specifically designed to perform firefighting operations, with a minimum rated pump capacity of 750 gallons per minute (gpm), and which met or meets the associated National Fire Protection Association (NFPA) standard at the time of manufacture.

Section 2. Eligibility. (1) To qualify for aid, a volunteer fire department shall meet the requirements established in KRS 95A.262 and submit to the commission proof of the required annual twenty (20) hours of recognized training for each firefighter by June 30.

(2) Even if all volunteer firefighters have not yet become certified volunteer firefighters, as defined by 739 KAR 2:060, a new fire department shall be eligible for aid if the fire department has:

- (a) Been recognized by the commission;
- (b) Been established for less than two (2) years;
- (c) A staff consisting of at least fifty (50) percent certified volunteer firefighters; and
- (d) Twelve (12) or more firefighters and a chief who have not qualified another fire department for volunteer department aid.

Section 3. Applying for Aid. The chief officer or the appointed representative of the department shall submit a Volunteer Fire Department State-Aid Application.

Section 4. Eligible Items and Report of Purchase. (1) Funds may be used:

- (a) To purchase items such as firefighting and special operations equipment;
- (b) To purchase fire apparatus;
- (c) To purchase a fire station; or
- (d) For the maintenance or repair of a fire station.

(2)(a) Funds shall not be expended for ineligible items unless the commission receives a written request from the chief explaining the need for the items and the request is approved by the commission staff, in accordance with this section.

(b) If the request is denied and the volunteer department does not desire to use the funds for approved items, the allotment shall be refunded to the commission.

(3) Each fire department receiving aid shall submit the State-Aid Report of Purchase form to the commission staff by July 31 of the following year the aid was granted. Failure to do so shall disqualify the department from receiving aid the following year.

(a) The commission or its designee may make an inspection of the applicant's fire department to determine comparative needs within the department before making the allotment.

(b) The inspection may include an accounting to assure that equipment previously purchased is currently in the possession of the fire department.

Section 5. Holding of Funds. (1)(a) If the approved allotment is insufficient to cover the cost of equipment or other approved purpose, the full aid granted for a fiscal year may be held by the fire department for a period not to exceed five (5) years from the initial granting of funds.

(b) If the funds will be held, a written explanation for the holding request shall be submitted to the commission upon receiving the funds.

(c) The funds shall be held in a special and separate bank account marked "Fire Department Aid Fund."

(2)(a) Upon the expenditure of funds, the chief or appointed representative shall submit the State-Aid Report of Purchase to the commission.

(b) If the funds are used toward the retirement of a preexisting debt for purchase of land, buildings, or equipment, proof of the expenditure in the form of an affidavit or cancelled note shall be submitted to the commission.

(c) An applicant who knowingly makes a false statement regarding volunteer fire department aid shall subject the grant to refund and prosecution for fraud.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Volunteer Fire Department State-Aid Application, 8/2017; and

(b) State-Aid Report of Purchase, 8/2017.

(2) This material may be inspected, copied, or obtained subject to applicable copyright law, at the Kentucky Fire Commission, 118 James Court, Lexington, Kentucky 40505, Monday through Friday, 8 a.m. to 4:30 p.m. (19 Ky.R. 2189; Am. 2431; eff. 5-10-93; 25 Ky.R. 1205; 1610; eff. 1-8-99; 26 Ky.R. 220; 618; eff. 9-16-99; Recodified from 815 KAR 45:080, 3-27-2002; 44 Ky.R. 570, 928; eff. 12-1-2017; Crt eff. 2-24-2020; 47 Ky.R. 573, 1216; eff. 3-2-2021.)